IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE S/S Leinster Garth, 110' NW of the c/l of Ridgely's Choice Dr. * ZONING COMMISSIONER (3 Leinster Garth) 11th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 91-454-A Carl W. Miles Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioner herein requests a variance to permit a side window to property line setback of 14 feet in lieu of the minimum required by teet for a proposed window in accordance with Petitioner's Exhibit 1.

The Peritioner having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documenta-

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or generin welfare of the public and should therefore be granted. In the opinion of the Moning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Petitioner submitted a letter of approval from the adjoining affected property owner marked Petitioner's Exhibit 4. Farthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91 454 1

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. 3 Leinster Garth

That the Affiant(s) does/do presently reside at ______

Baltimore, MD 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

(see bottom of the page)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) Carl W. Miles

AFFIANT (Printed Name)

AFFIANT (Handwritten Signature) AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of ______, 19_____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best

AS WITNESS my hand and Notarial Seal.

of his/her/their knowledge and belief.

My Commission Expires:

VARIENCE REQUEST REASONS: Currently there are no windows on the east side of 3 Leinster Garth. This is due to the Baltimore County window-to-window ordinance which requires 15 ft to the property line and 40 ft window-to-window between houses. The said property has 14 ft to the property line and 40.5 ft between existing windows in 1 Leinster Garth and the nearest point of the said house.

Request an undue hardship variance from this ordinance to install windows on the east side of the said house for the following reasons.

1. A bedroom exists on the second floor of the rear, east side of the house. This bedroom has a sky light in it but no other windows. The door is the only means of escape in case of fire as the sky light is sealed and located in the ceiling. This room also gets extremely hot as there is no air circulation.

2. The kitchen on the first floor has no cross ventilation or of Asy 11 Things

111 West Chesapeake Avenue Towson, MD 21204

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore -county this $\frac{3\,M}{2\,M}$ day of July, 1991 that the Petition for Residential Variance to permit a side window to property line setback of 14 feet in lieu of the minimum required 15 feet for a proposed window, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

2) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ZONING DESCRIPTION

Beginning at a point on the south side of Leinster Garth, which

is 50 feet wide, at the distance of 110 feet west of the

centerline of the nearest improved intersecting street, Ridgley's

Choice Drive, which is 50 feet wide. Being Lot # 18, 1st

Ammended Plat - A -, Section #1 in the subdivision of Ridgely's

Choice as recorded in Baltimore County Plat Book S.M. # 55, Folio

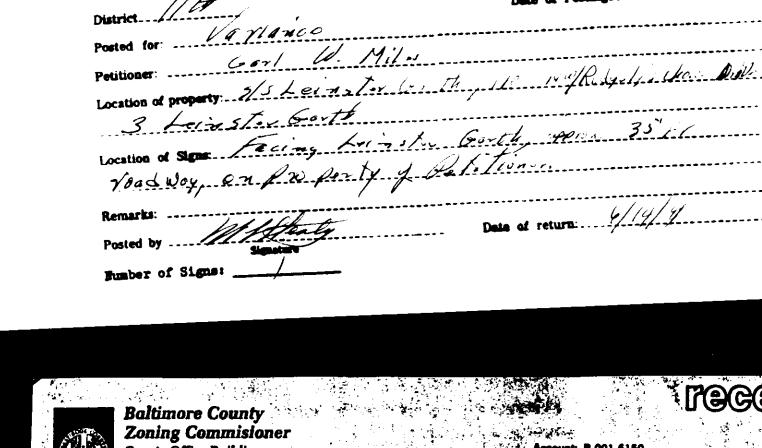
#114, containing 5,520 square feet in lot. Also known as 3

Leinster Garth, Baltimore, MD 21236 and located in the 11th

Election District.

for Baltimore County

CERTIFICATE OF POSTING Location of property: 3/5 Leinster (2) The It work Leinster Dieter Store Gorth Approx 35'11



PUBLIC HEARING FEES PRICE 910 -CONING VARIANCE (IRL) **\$35.**00 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL:

Q4AO4#OO53HICHRC

Please Make Checks Payable Te: Baltimore \$44009:18AnD5-30-91

\$60.00

PETITION FOR RESIDENTIAL VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchasers

(Type or Print Name)

City/State/lip tode

(Type or Print Name)

Attorney for Petitioner:

887-3353

Mr. Carl W. Miles 3 Leinster Garth Baltimore, Maryland 21236

Case No. 91-454-A

RE: PETITION FOR RESIDENTIAL VARIANCE S/S Leinster Garth, 110' NW of the c/l of Ridgely's Choice Drive (3 Leinster Garth) 11th Election District - 5th Councilmanic District Carl W. Miles - Petitioner

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

July 3, 1991

Dear Mr. Miles:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: People's Counsel

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of

- نبيد چو ، پ

this Petition. Legal Owner(s): Carl W. Miles (Type or Print Name)

3 Leinster Garth

Baltimore, MD 21236 (301) 256-0456 City/State/Zip Code

Name, address and phone number of legal numer, contract purchaser or representative to be contacted. Carl W. Miles Name 3 Leinster Garth (301) 256-0456

Baltimore, MD 21236 petition be posted on the property on or before the _____ day of ______, 19_____.

ZONING COMMISSIONER OF BALTIMENE COUNTY

A PURLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, et _____o'clock,

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in

the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

(see bottom of the page reverse side)

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Section 504 (V.B.6.B C.M.D.P.) To allow a side window to property line setback of

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

14ft. in lieu of the required 15 ft. minimum.

(indicate hardship or practical difficulty)

CROSS RECEIVED FOR FIL

ZONENG CONTIESSIONER OF BALTIMERE COUNTY

Special 14'70 107 17,

